

Exhibit 4

DISCIPLINE HEARING OFFICE REPORT
U.S. DEPARTMENT OF JUSTICE

BP-S305.052 MAY 94
FEDERAL BUREAU OF PRISONS

INSTITUTION	FCI McKean, Pennsylvania		INCIDENT REPORT NUMBER		1057705
INMATE NAME	Donaldson, Sadrick		REG NO	20102-018	UNIT B-B
DATE OF INCIDENT	12-19-2002		DATE OF INCIDENT REPORT		12-19-2002
OFFENSE CODE(S)	306				
SUMMARY OF CHARGES	Refusing to Accept a Program Assignment				
I. NOTICE OF CHARGE(S)					
A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 12-19-2002 at 1825 (by staff member) R. Poitras, Lieutenant					
B. The DHO Hearing was held on (date) 01-29-2003 at (time) 0825					
C. The inmate was advised of his/her rights before the DHO by (staff member): G. Buck, Counselor on (date) 12-20-2002 and a copy of the advisement of rights form is attached.					
II. STAFF REPRESENTATIVE					
A. Inmate waived right to staff representative.			Yes:	XXX	No:
B. Inmate requested staff representative and N/A appeared.					
C. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: N/A					
D. Staff representative			N/A		was appointed.
E. Staff representative statement: N/A					
III. PRESENTATION OF EVIDENCE					
A. Inmate admits		denies	X	the charge(s).	
B. Summary of inmate statement: I did refuse when they ordered me out, but I didn't know my investigation was completed. I was a P/C, and I checked in. I talked to one of the SIS Lieutenants on I believe a Wednesday. He told me he was going to see me that Friday. The next day, Officer Nero told me I had to go back to the compound, but the SIS told me he was going to see me on Friday. The UDC saw me on Friday. I told them the SIS told me he would see me on Friday. The UDC told me the SIS told them the investigation was completed. I told the UDC I was refusing to go back to the compound because the SIS told me he was coming back to see me. That's about it. They said the investigation was over with, and that was it, but they didn't tell me it was over with until after I got the shot.					
C. Witness(es):					
1. The inmate requested witness(es).			Yes:	No:	XXX
2. The following persons were called as witnesses at this hearing and appeared. (Include each witnesses' name, title, reg number and statement as appropriate.) N/A					

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3. The following persons requested were not called for the reason(s) given.

N/A

4. Unavailable witnesses were requested to submit written statements and those statements received were considered.	Yes	No	N/A	X
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D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents:

The memorandum written by Charles Kindervater, Unit Manager, dated December 2, 2002.

E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because:

N/A

IV. FINDINGS OF THE DHO

X A. The act(acts) was(were) committed as charged.

B. The following act was committed:

C. No prohibited act was committed: Expunge according to Inmate Discipline PS.

V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.)

The written statement of Officer Nero documents on December 19, 2002, at approximately 1:15 p.m., he told you to pack your property because you were being released from the Special Housing Unit to the general inmate population. You stated you were not returning to the compound.

The memorandum written by Unit Manager Kindervater documents on November 12, 2002, you were placed in the Special Housing Unit after requesting protective custody. You were interviewed that same day by Counselor Buck and Unit Manager Kindervater in the Special Housing Unit. During the interview, you identified an inmate who you stated was "pressuring" you for a "relationship". You stated you were involved in a relationship with this inmate at another institution. The inmate wanted to continue the relationship with you, but you did not want to. The inmate had been coming to the unit and "pressuring" you in the evenings. You also stated three other inmates had approached you on the compound about a month ago for sex, but they did not assault you. The inmate you were in the prior relationship with tried to prevent you from talking to other inmates, and he would get very defensive toward other inmates who talked to you. You did not think the inmate would hurt you, but you believed he might hurt someone else if he saw someone talking to you. You stated you could not take it anymore, and you wanted to remain in the Special Housing Unit, or be transferred.

Other inmates were interviewed during Mr. Kindervater's investigation of your need to remain in the Special Housing Unit for protective custody. Mr. Kindervater concluded there was no evidence presented which would lead him to believe there is a threat to your safety. Mr. Kindervater recommended that you be released from the Special Housing Unit and returned to the general inmate population. The investigation completed by Mr. Kindervater was reviewed by SIS Lieutenant Chiodo, Captain Reich, and Associate Warden (Programs) Billisits, who concurred with the finding of Mr. Kindervater that you should be returned to the general inmate population.

You denied the charge and presented as your defense that when the reporting staff member ordered you to return to the general inmate population, you did not know your investigation was completed. You requested to be placed in the Special Housing Unit for protection. You talked to one of the SIS Lieutenants. You believe you talked to the SIS Lieutenant the day before the reporting staff member wrote the incident report. The SIS Lieutenant told you he was going to see you two days later. The next day, the reporting staff member told you that you had to go back to the compound, but the SIS Lieutenant

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told you he was going to see you the day after the reporting staff member told you that you had to go back to the compound. The UDC saw you the day after the incident report was written. You told them the SIS Lieutenant told you he would see you the next day. The UDC told you the SIS Lieutenant told them the investigation was completed. You told the UDC you were refusing to go back to the compound because the SIS Lieutenant told you he was coming back to see you. The UDC told you the investigation was over with, and that was it, but they didn't tell you it was over with until after you received the incident report.

The DHO gave little weight to your defense because the DHO found your defense to have no merit. Although you contend you were not informed by staff that the investigation was over with until after you received the incident report, you admitted the reporting staff member did order you out of the Special Housing Unit, and you refused. The memorandum written by Unit Manager Kindervater documented your need to remain in the Special Housing Unit could not be verified, and he recommended that you be placed back into the general inmate population. The report prepared by Mr. Kindervater was reviewed by SIS Lieutenant Chiodo, Captain Reich, and Associate Warden (Programs) Billisits, who concurred with Mr. Kindervater's recommendation. You admitted when the reporting staff member ordered you to return to the general inmate population, you refused. You also stated when you appeared before the UDC, they informed you the investigation was completed. The record documents you appeared before the UDC on December 20, 2002, at 9:50 a.m. The UDC documented you stated you would not go back to the compound. You were instructed by the reporting staff member on December 19, 2002, at approximately 1:15 p.m., to pack your property in the Special Housing Unit because you were returning the general inmate population. When you were instructed to do so, you stated you were not returning to the compound. By refusing to return to the general inmate population, the DHO found you committed the prohibited act of Refusing to Accept a Program Assignment, Code 306.

VI. SANCTION OR ACTION TAKEN

Disallow Good Conduct Time: Disallow 10 days GCT from Comp 010, PLRA, for 306.

VII. REASON FOR SANCTION OR ACTION TAKEN

Refusing to accept a program assignment seriously disrupts the security and orderly running of the institution. By refusing to return to the general inmate population after being ordered to do so, your behavior demeans staff's authority, and it hampers staff's ability to provide inmates with meaningful program assignments. This type of inmate behavior cannot be tolerated, because to do so would lessen staff's ability to effectively manage the inmate population. The sanction was imposed to punish you for your misconduct, to place a significant impact on your future, and to deter this type of inmate behavior within a correctional institution.

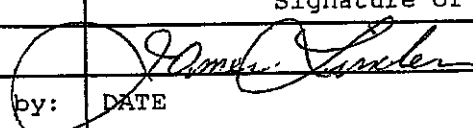
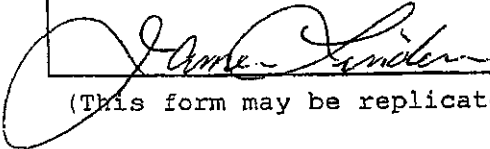
VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

Yes

X

No

IX. DISCIPLINE HEARING OFFICER

Printed Name of DHO	Signature of DHO	Date
James P. Linden		January 29, 2003
Report delivered to inmate by:	DATE	
	01-29-03	

(This form may be replicated in WP)

Replaces BP-304(52) of JAN 88